

<b>RECOMMENDATION:</b> Confirm Order	
<b>REF NO:</b> TPO 2021 no.17	<b>CASE OFFICER</b> Hugh Coggles
<b>LOCATION:</b> The Nook, Buckenham Road. Attleborough NR17 1NG.	<b>APPNTYPE:</b> N/A
<b>APPLICANT:</b> Mr and Mrs. Redfern Springfield, Buckenham Road, Attleborough, NR17 1NG	<b>POLICY:</b>
<b>APPLICANT'S PROPOSAL:</b> Not to confirm the order	<b>ALLOCATION:</b> N
	<b>CONS AREA:</b> N
	<b>LB GRADE:</b> N
	<b>TPO:</b> Y

**1. REASON FOR COMMITTEE CONSIDERATION**

1.1 Formal Objection to serving of TPO 2021 No.17

**2. KEY ISSUES/REASONS FOR OBJECTION**

- The trees are not suitable to be growing on a boundary
- Following legal advice, the applicant believes that branches from the tree are trespassing onto their property
- Following legal advice, the applicant believes that the tree is causing a nuisance and restricting the use of their land
- The applicant believes that the owner (Mr Davey) does not maintain his trees
- Concerns over the safety of the trees.
- The trees have no amenity value

**3. SITE AND LOCATION**

3.1 The Nook, Buckenham Road. Attleborough NR17 1NG.

**4. EIA REQUIRED**

4.1 No

**5. RELEVANT HISTORY**

5.1 9th November 2021, an email received by Hugh Coggles (HC) from Mr Davey (tree owner) over concerns that his neighbor has indicated that they wish to prune back branches from his tree which overhang their garden. During the visit it was observed that other trees overhanging the garden of the applicant had been pruned back quite severely. If similar pruning were to be undertaken to the Tree (T1) it would be harmful to both the health and appearance of the tree.

- 5.2 16<sup>th</sup> November 2021, site visit undertaken by Hugh Coggles (HC). Tree Evaluation Method for Preservation Orders (TEMPO) assessment undertaken by HC. A score of 17 was recorded. Recommendation for any score of 17 is that the tree definitely warrants a Tree Preservation Order (TPO).
- 5.3 22<sup>nd</sup> November Following the site visit and assessment, confirmation was given by the council to proceed with serving a TPO.
- 5.4 25<sup>th</sup> November TPO is served.

## **6. POLICY CONSIDERATIONS**

- 6.1 The following policies of the adopted Breckland Local Plan have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate.

ENV 06	Trees, Hedgerows and Development
NPPF	Section 15

## **7. CONSULTATIONS**

Parish Council – No comments received

Ward Representative - No comments received

## **8. REPRESENTATIONS**

- 8.1 An email dated 7<sup>th</sup> December was received from Mr and Mrs Redfern objecting to the TPO.

## **9 CONCLUSION**

- 9.1 The Local Planning Authority would like to make it clear that the Tree Preservation Order is intended to maintain the amenity afforded to the public by trees and recognizes that reasonable pruning, and sometimes felling, with consent is often necessary to achieve long term sustainability of trees. The TPO should therefore be seen as a requirement for consultation rather than a blanket prohibition.
- 9.2 The order does not prevent the owners from using a contractor of their choice. It does enable the Council to have some control over the work which is undertaken and the powers to condition that work is completed to a high standard and in accordance with current best practice.
- 9.3 It is acknowledged that the tree does overhang the garden of the applicant, the tree is some distance from the dwelling.
- 9.4 It is highly likely that the council would approve some pruning work to reduce the overhang, although not as far as the boundary line.
- 9.4.1 Currently there is no evidence that the tree is anyway unsafe, not significant defects have been identified that would indicate that the tree is likely to fail at this time.

## **10 RECOMMENDATION**

- 10.1 Confirm the order.